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LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
SHARON J. MATSUMOTO • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

January 7, 2015

Captain Rod Kusch
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File #14-0059
L.A.S.D. File #014-01291-0613-013

Dear Captain Kusch:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 30, 2014, fatal shooting of Steven Pettersen by Los Angeles County Sheriff's Department (LASD) Deputies Louis Cabrera and Edgar Quintana. We have concluded that the deputies acted lawfully in self-defense and in defense of others.

The District Attorney's Command Center was notified of the shooting on January 30, 2014, at 11:50 p.m. The District Attorney Response Team, comprising Deputy District Attorney Gretchen Ford and District Attorney Senior Investigator [redacted] responded to the scene and was given a briefing of the circumstances of the shooting and a walk-through of the scene.

The following analysis is based on reports, recordings and videotapes submitted by LASD Homicide Detectives Tim O'Quinn and Steve Lankford. The voluntary statements of the deputies were considered in this analysis.

Statement of Facts

On January 30, 2014, at approximately 8:00 p.m., Steven Pettersen (47 years of age, five feet seven inches, 173 pounds) was walking in and out of traffic and threatening motorists with a four foot metal spear at the intersection of Soledad Canyon Road and Shangri-La Drive, in Canyon Country.[1] Pettersen was brandishing the spear and using it to strike out at passing cars.

Deputies Edgar Quintana and Louis Cabrera were the first deputies to respond to the incident. When they arrived, they saw Pettersen with the spear, moving among the cars stopped eastbound

[1] According to investigators, the metal spear was a "sand spike" or "sand rod holder," which is a spike with a pointed end that is driven into the ground and used to hold a fishing rod. The sand spike recovered in this incident is approximately four feet long.

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
Fax: (213) 620-1208
WEBSITE: http://da.co.la.ca.us

on Soledad Canyon Road.[2] When the deputies exited their car, Pettersen charged at them with the spear. Abruptly, Pettersen turned away and approached a PT Cruiser that was stopped at the intersection. Pettersen struck the back driver's side window of the PT Cruiser with the spear. The deputies approached Pettersen to prevent him from attacking other motorists, and he turned and charged at them twice with the spear. The deputies discharged their firearms at Pettersen both times he charged at them.

Statement of Deputy Louis Cabrera

Deputies Cabrera and Quintana were working uniform patrol in a two man marked patrol vehicle. Quintana was the driver. The deputies were at a 7-11 store a few blocks from the incident and were approached by several unidentified witnesses who told them there was a man holding a large pipe in the middle of traffic, wearing only underwear. The witnesses pointed toward the location of the incident. Quintana and Cabrera checked the mobile digital communicator (MDC) in their patrol vehicle and located the incident described by the witnesses. No other units had been assigned, and Qunitana and Cabrera were assigned as the primary unit. They responded to the intersection of Soledad Canyon Road and Shangri-La Drive.

When Cabrera and Quintana arrived at the intersection, they saw Pettersen in a shirt, underwear and shoes. Cabrera immediately feared Pettersen might be under the influence of PCP because he was wearing inadequate clothing for the cold temperature. The intersection was well lit, and there was heavy traffic in the eastbound lanes. Quintana stopped the patrol vehicle in the middle of the intersection, facing westbound, pointing at the median, with the lights and sirens activated.

Cabrera exited the patrol vehicle and stood behind the front passenger door for cover with his department issued firearm drawn, approximately 20 feet from Pettersen. Pettersen, who had been in the number one lane of westbound traffic in the intersection, turned toward the deputies. Pettersen had a spear made of a silver metal pipe, four to five feet long, with a pointy end. Pettersen's face appeared "enraged." Pettersen was yelling, "Kill me, kill me!" Pettersen charged at the patrol vehicle with the spear raised above his head, pointing at Cabrera. Cabrera backed up to increase the distance between himself and Pettersen, taking into account the length of the spear. Abruptly, Pettersen began skipping away from the deputies, westbound on Soledad Canyon Road.

Cabrera used his hand held radio to request backup. Cabrera requested that a deputy respond with a "less lethal" weapon (a stunbag loaded shotgun). Cabrera was aware that Quintana had a Taser, but believed that the length of the spear made it unsafe to get close enough to deploy the Taser. Because Pettersen appeared to be enraged and because he had a long spear, Cabrera did not want to approach him until backup arrived. The deputies monitored Pettersen without approaching him.

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[2] Shangri-La Drive, which runs from north to south, has its southern terminus at Soledad Canyon Road. Soledad Canyon Road has three lanes of traffic for both eastbound and westbound traffic. There is a flat raised center island or median approximately six inches high and two and a half feet wide separating the eastbound and westbound traffic on Soledad Canyon Road.

When Pettersen got to the median, he took the spear and jabbed it at the left rear window of a PT Cruiser that was in the number one lane of eastbound traffic. The spear bounced back from the impact with the window. Pettersen was yelling at the PT Cruiser, but Cabrera could not understand what he said. There was a driver in the PT Cruiser, but Cabrera could not see whether there were other passengers. Because Pettersen had assaulted the driver of the PT Cruiser with a deadly weapon, Cabrera believed he might kill motorists or pedestrians who were beginning to gather on the sidewalk. Cabrera also feared Pettersen might use the spear to commit a carjacking. Cabrera told Quintana that they needed to intervene because Pettersen was a public threat.

The deputies approached Pettersen, positioning themselves approximately seven to eight feet from him. Pettersen looked at Cabrera, then suddenly ran towards him holding the spear with both hands over his head. The spear was pointing at Cabrera, enabling him to see the point on the end of it. Cabrera believed that Pettersen would kill him and his partner with the spear if he got any closer.

Cabrera fired his department issued firearm approximately four to five times at Pettersen as Pettersen advanced. Nonetheless, Pettersen continued to advance aggressively toward the deputies. Because the gunshots had little effect on Pettersen, Cabrera believed that he was under the influence of narcotics. The deputies and Pettersen shifted their postions slightly, and when Pettersen was approximately six or seven feet from the deputies, Pettersen charged at Cabrera again with the spear raised. Cabrera fired approximately four to five rounds from his firearm, striking Pettersen. Pettersen slowed down, stopped, dropped the spear, and fell on his back. When Pettersen fell, Cabrera saw that he had a locking blade knife in his right hand with an approximately four inch blade locked open.

During the incident, Cabrera ordered Pettersen to drop the spear several times.[3]

It was established that Cabrera fired ten rounds.

<u>Statement of Deputy Edgar Quintana</u>

Deputy Quintana was the driver on the night of the incident. Quintana and Cabrera were approached by witnesses at a 7-11 store a few blocks from the incident who told them that there was a crazy man in the middle of the street with a pole, blocking traffic and trying to hit cars. The deputies responded to the location of the incident. When they arrived, the eastbound lanes of traffic on Soledad Canyon were full. Quintana was immediately concerned about the safety of the occupants of those cars.

Once the deputies saw Pettersen, Quintana activated the red lights on the patrol vehicle. Qunintana parked the patrol vehicle 10 to 15 feet from Pettersen in the intersection. As soon as the deputies arrived, Pettersen looked at them and appeared to nod acknowledgement at them. The deputies drove slowly toward Pettersen, who appeared to respond by moving out of lanes of

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[3] Cabrera did not specify when he made the orders.

traffic. Pettersen stopped, so Quintana stopped the car and exited. Quintana was about to withdraw his department issued firearm when he saw that Pettersen had a pointed metal spear in his hands that was approximately four feet long. Pettersen lifted the spear, held it above his head in a threatening manner and charged at the car. It appeared to Quintana that Pettersen was going to throw the spear at him.

Quintana stumbled, ran to the back of the patrol vehicle and withdrew his firearm. Cabrera also ran to the back of the patrol vehicle. The deputies agreed that Quintana would use "less lethal" force because Quintana was armed with a Taser. Quintana unholstered the Taser. Both deputies used the open doors of the patrol vehicle as a barrier between themselves and Pettersen.

Pettersen charged at the deputies again, arriving at the front end of the patrol car. Quintana and Cabrera were on the passenger side of the patrol vehicle. The deputies continuously ordered Pettersen to "Stop right there!" Pettersen turned from the deputies and walked several feet toward the median and the occupied vehicles on Soledad Canyon Road eastbound. Pettersen paced around. The deputies were afraid he would use the spear on one of the cars. Quintana yelled at Pettersen to stop and called him to come to the deputies to draw him away from the cars. Pettersen was shouting unintelligible words and failed to respond to Quintana's commands.

Quintana wanted to get close enough to Pettersen to deploy his Taser without getting hurt, but he believed Pettersen would use his spear to deflect the Taser darts. Meanwhile, Cabrera broadcast a request for a stunbag loaded shotgun. Quintana raised his Taser toward Pettersen, who acted as though he was going to stop moving. Pettersen suddenly approached an occuppied PT Cruiser and used the spear to ram or stab the passenger window, causing a loud bang. Quintana believed that the window had broken and that the people inside the car were in jeopardy. Quintana also feared that Pettersen would assault other motorists.

Both deputies advanced toward Pettersen. Quintana pointed the laser sight on his Taser at Pettersen. Pettersen turned and walked away from the motorists. Pettersen lifted the spear and charged at Cabrera with it. Quintana positioned himself three to four feet from Cabrera, intending to deploy the Taser. When Pettersen charged at Cabrera, he got as close as three to four feet from him. Quintana heard two pops. Pettersen stopped, but did not fall. Quintana assumed that Pettersen had not been hit. Pettersen's back faced Quintana and they were five or six feet apart. Quintana tried to get close enough to deploy his Taser, but feared Pettersen would turn on him with the spear. Pettersen continued to advance toward Cabrera.

Quintana fired the Taser at Pettersen from a distance of five to six feet. One Taser dart hit Pettersen, the other dart dangled. Pettersen continued to advance toward Cabrera. Quintana heard three more shots. Pettersen dropped the spear, then Pettersen slowly turned to face Quintana. Pettersen had an open buck style knife in his left hand with a two to three inch blade. Pettersen walked toward Quintana with the knife.[4] Quintana dropped the Taser and armed himself with his department issued firearm. Pettersen got to a distance of four feet from Quintana and held the knife up. Quintana thought Pettersen was going to rush him with the knife

[4] This conflicts with Cabrera's recollection that Pettersen had the knife in his right hand.

and use it against him and his partner, so he fired one round. Pettersen turned and charged toward Cabrera. It appeared that Pettersen was about to strike Cabrera, so Quintana fired two or three more rounds at Pettersen's back. Quintana did not know whether he hit Pettersen. Cabrera also fired an unknown number of rounds. Pettersen fell to the ground, but he continued to slowly move. Pettersen still had the knife, so the deputies "kept cover" on him while they awaited backup.

It was established that Quintana fired three rounds.

Statement of Sergeant Brian Allen

Sergeant Brian Allen was the first assisting deputy to arrive. When Allen reached the intersection, Pettersen was on the ground, and Quintana and Cabrera were holding him at gunpoint. Pettersen was on his back with both hands close together over his head, and he had the locking blade knife with the blade locked open "predominantly" in his left hand. The spear was in the middle of the road a few feet from Pettersen.

Allen saw Pettersen take a few gasping breaths and widen his eyes. Allen stepped on the knife, then picked it up and threw it away from Pettersen. Allen, who used to be an emergency medical technician, began to administer first aid to Pettersen. Pettersen stopped moving.

Statement of [redacted]

[redacted] ([redacted]) was driving her PT Cruiser eastbound on Soledad Canyon Road with her [redacted] in the front passenger seat. [redacted] saw Pettersen wandering in westbound lanes. Pettersen, who appeared to be on drugs, was holding a spear in both hands at chest height. Quintana and Cabrera were standing next to their patrol vehicle. Pettersen made eye contact with [redacted] and ran toward her car with an angry expression on his face. [redacted] was afraid for her life and wanted to flee, but was trapped by other vehicles. She looked at the deputies as if to ask them to do something. Pettersen stood next to the rear driver's side door while clutching the spear in both hands. Pettersen raised the spear above his head and stabbed in a downward motion, striking the window of the rear driver's side passenger door.

[redacted] noticed that Quintana and Cabrera had moved closer and positioned themselves east of her car. Pettersen turned toward the deputies while holding the spear in both hands above his head. [redacted] heard approximately five or six popping sounds. She did not know if those were gunshots or the sound of the Taser. She saw and heard both deputies shoot at Pettersen a second time, who fell to the ground, motionless.

Statement of [redacted]

[redacted] ([redacted]) saw Pettersen standing in the traffic lanes of Soledad Canyon Road holding what appeared to be a stake in his hands. Traffic was stopped. Fearing Pettersen, [redacted] and [redacted] rolled up their windows and locked their doors. Pettersen ran back and forth on and off the median.

Quintana and Cabrera stood by their patrol vehicle in the intersection. Pettersen faced the deputies and made a stabbing motion with the stake in their direction. Pettersen turned toward [redacted] and made eye contact with him. Pettersen had a mean, crazy look on his face. Pettersen ran toward the driver's side rear passenger door of the PT Cruiser. Holding the stake in both hands, Pettersen struck the driver's side, rear passenger door window hard enough to break the glass. [redacted] and [redacted] were worried for their safety.

The deputies, who had been in the intersection, ran toward Pettersen and appeared to be yelling orders to him. Although [redacted] could not hear them, it appeared that they were telling him to drop the spear. Pettersen thrust the spear in the direction of the deputies as if to say, "get away." As Pettersen moved towards the deputies with the spear in his hands, the deputies shot at him. Pettersen jumped up and down while continuing to walk toward, then past, the deputies. Pettersen turned west to face the deputies again, at which point the deputies fired a second volley of approximately seven shots at him. Pettersen immediately fell to the ground and stopped moving.

Additional Witnesses

Numerous witnesses were interviewd who saw portions of the incident while stopped in their cars on Soledad Canyon Road. Several witnesses described seeing Pettersen swing the spear at passing cars before the deputies arrived. Witnesses who were present after the deputies' arrival described Pettersen doing a sideways skip and other maneuvers to evade the deputies as though he was taunting them. Witnesses described Pettersen swinging the spear at the PT Cruiser in a chopping motion, like the swing of an axe.

Witnesses saw Pettersen run toward Cabrera raising the spear as if he was trying to injure Cabrera. Witnesses heard the deputies yell at Pettersen to stop, while Pettersen was screaming.

Videotape of the Incident

A motorist who was stopped eastbound on Soledad Canyon Road used his cell phone to make a recording of events just before the shooting and of the actual shooting. The first video is taken from the northernmost lane, facing north. It starts out with a view of Pettersen about 15 feet west of the intersection with the spear in both hands held just above waist level. Pettersen jogs a few feet west then turns and begins to walk rapidly toward the middle of the intersection. Pettersen is shouting largely unintelligible phrases, but he can be heard saying, "try [or trying] to fucking kill me," and making a reference to "shoot."[5] The video shifts to the right and both deputies can be seen behind the open front passenger door of the patrol vehicle in the middle of the intersection, possibly pointing flashlights at Pettersen. The video shifts back to Pettersen, who continues to approach with the spear. Although the deputies and Pettersen are never in the same frame, it appears that Pettersen gets within 15 feet or less of the patrol vehicle and the deputies. Pettersen turns abruptly and skips sideways toward the west. He turns further and walks away from the

[5] Pettersen's intonation is consistent with his complaining about being killed or shot, not with his asking to be killed or shot.

deputies, periodically looking over his shoulder. The witness who is videotaping the incident is directed to drive out of the intersection by one of the deputies, and that portion of the video ends. The same motorist repositioned himself north of the intersection and began taping again just before the shooting occurred. Pettersen is shown first walking then running northbound, away from the traffic.[6] The deputies pursue him for several feet northbound. Suddenly, when Pettersen is approximately 20 feet from the deputies, he spins around and runs back toward them. Pettersen is holding the spear in both hands at waist level. The deputies are a few feet apart and Pettersen runs at them, swinging the spear from side to side at both of them. Pettersen can be heard screaming unintelligible words. It is not possible, in the video, to differentiate between the deputies.

When Pettersen is approximately five to seven feet from the deputies, he swings the spear and a series of six gunshots can be heard. Both deputies have their guns drawn, but it is not possible to discern which deputy fires which shots both because Pettersen runs between them and the camera, and because the flashlights mounted on the deputies' guns overshadow the muzzle flash. For the first five shots, Pettersen continues to run toward the deputies, getting as close as a few feet from them. When the sixth shot is fired, Pettersen veers toward the east and skips or runs about fifteen feet from the deputies.[7] The deputies follow Pettersen who suddenly veers again to face the deputies. Pettersen is running in place on the balls of his feet and raises the spear above chest level, leaning toward the deputies. At that moment, the deputies appear to be two to three feet from Pettersen. As Pettersen continues to raise the spear to head level, both deputies shoot at him, and seven additional shots are heard. Pettersen falls to the ground.

Evidence

Ballistic Evidence

Both deputies used their department issued 9 mm handguns. Thirteen expended 9 mm cartridge casings were recovered in the immediate area in which Pettersen was shot.

Coroner's Findings

On Februay 2, 2014, Los Angeles County Medical Examiner Dr. Ogbanna Chinwah performed an autopsy on Pettersen and concluded that Pettersen died as a result of multiple gunshot wounds. Pettersen sustained a total of 12 gunshot wounds.

A toxicology analysis detected the presence of methamphetamine and marijuana in Pettersen's blood.

[6] It appears that Pettersen is running away from the PT Cruiser, but the video is not clear enough to be certain.
[7] Pettersen shows no signs of being injured or of slowing down, and he continues to run and skip in a noticeably athletic fashion.

FACTUAL ANALYSIS

California law permits the use of deadly force in self-defense if the person claiming the right of self-defense actually and reasonably believed that he was in imminent danger of great bodily injury or death. *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also* CALCRIM No. 505. In general, the same legal principles apply to the use of deadly force in defense of another person. CALCRIM No. 3470.

Deputies Quintana and Cabrera knew before they arrived that Pettersen was behaving erratically and posed a potentially lethal threat to motorists. When the deputies arrived, Pettersen was aggressive to them and non-responsive to their commands. Pettersen's behavior was erratic, and the length of the spear, as well as Pettersen's assaultive use of it, immediately compounded the deputies' concerns for their own safety and for the safety of the motorists.

Pettersen charged at the deputies as soon as they arrived at the intersection. Just as abruptly, Pettersen turned away from the deputies and struck the window of the PT Cruiser in a way that could have been fatal to the occupants. Then, Pettersen attacked the deputies with the spear raised, in a manner that was potentially lethal.

The deputies sought less lethal options, both when they requested a beanbag loaded shotgun and when Quintana deployed his Taser. However, the distance between Pettersen and the deputies made the attempted use of the Taser ineffective. Pettersen's potentially lethal attacks on the occupants of the PT Cruiser and the deputies made it impossible to wait for the stunbag loaded shotgun.

CONCLUSION

The evidence examined shows that Steven Pettersen assaulted Deputies Louis Cabrera and Edgar Quintana with a metal spear. Pettersen also assaulted [redacted] and [redacted] In reasonable fear of great bodily injury or death to themselves and to civilians, Deputies Cabrera and Quintana fired their service weapons striking Pettersen. Based on the foregoing, we find that Deputies Edgar Quintana and Luis Cabrera acted in lawful self-defense and in defense of others. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
District Attorney

By

GRETCHEN FORD
Deputy District Attorney
(213) 974-3888

c: Deputy Edgar Quintana #[redacted]
Deputy Louis Cabrera #[redacted]